

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORKErnestine Welch)
Plaintiff(s))

vs.)

Bio-Reference Laboratories, Inc)
Defendant(s))

1:19-cv-846

(BKS/DJS)

CIVIL
RIGHTS
COMPLAINT
PURSUANT TO
42 U.S.C. § 1983Plaintiff(s) demand(s) a trial by: X JURY _____ COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows: Title VII, The Americans with Disabilities Act, the Genetic Information Non-discrimination Act, or the Age Discrimination in Employment Act.

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: Ernestine Welch
Address: P.O. Box 273
Hudson NY 12534

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: Bio-Reference Laboratories, Inc
Official Position: Administration, Human Resources
Address: 487 Edward H Ross Dr.
Elmwood Park, NJ 07407

b. Defendant: Terry Tucker
Official Position: Supervisor
Address: 487 Edward H Ross Dr
Elmwood Park, NJ 07407

c. Defendant: Jean Vought
Official Position: Supervisor
Address: 487 Edward H. Ross Dr
Elmwood Park, NJ 07407

Additional Defendants may be added on a separate sheet of paper.

4.

FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).

I engaged in protected Custody on Aug. 21, 2018
I reported LISA MAZZA, to Superintendent Shanley
In regards to LISA ongoing Harassment, unprofessional
behavior. I also reported my complaint on this
day to my Boss Terri Tucker and Supervisor Jean Vought
Via phone and text message. In evidence on the
Above date my boss and LISA MAZZA sent email
that (stated) "that they are working on getting rid
of me. Ernestine is unaware of this, so give us a
Couple of days and she will be gone. I was
Immediately replaced by Supervisor Jean Vought Step. ~~daughter~~
daughter.

5.

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

FIRST CAUSE OF ACTION

Discrimination, based on back ground
check.

Discrimination based on race.

SECOND CAUSE OF ACTION

Harassment, based on race.

THIRD CAUSE OF ACTION

Retaliation - based on protected class
on August 21, 2018.

6. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

I wish the court to do monetary damages,
Compensatory damages, I would like
my job back, and punitive damages of
1.5 million to make me whole again.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 07-16-19

Ernest Lincoln

Signature of Plaintiff(s)
(all Plaintiffs must sign)

02/2010

EEOC Form 161 (1/17/19)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Ernestine N. Welch
PO Box 273
Hudson, NY 12534

From: New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2019-00710

Holly M. Shabazz,
State & Local Program Manager

(212) 336-3643

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

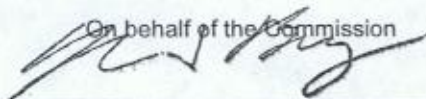
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



June 21, 2019

Enclosures(s)

Kevin J. Berry,
District Director

(Date Mailed)

cc:

BIO-REFERENCE LABORATORIES INC.
Attn: Director of Human Resources
481 Edward H. Ross Drive
Elmwood Park, NJ 07407

AFFIDAVIT OF SERVICE BY MAIL

State of New York :
County of Columbia : SS:

I, Christine Weikt being duly sworn, deposes and says: that I am the plaintiff herein and served a copy of the following document(s):

Summons, complaint (Specify document(s))
on BIO-Reference Laboratories (Name of person/Addressee)
at: 481 Edward H. Ross Drive (Address to which document(s)
Elmwood park, NY 07407 were sent)

by mailing and depositing a true and correct copy of said document(s) in a mailbox located
at: 402 Union Street Hudson ny 12534
on the following date: 07-16-19.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 07-16-19

Christine Weikt

Signature of Plaintiff

Sworn to before me this 16 day of JULY, 2019


Notary Public

Laura B. Hankin
Notary Public - State of New York
No. 01HA6335432
Qualified in Columbia County
My Commission Expires 01/11/2020

FORM I (1)